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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/909,823 | 07/23/2001 | Carsten Burmeister | 2001_0944A | 3053 |

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| EXAMINER | |
|---|---|
| FOX, JAMAL A | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2664 | |

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) |
|---|---|---|
| | 09/909,823 | BURMEISTER ET AL. |
| | Examiner | Art Unit |
| | Jamal A Fox | 2664 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *23 July 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-6,9,11,12,14-16 and 19* is/are rejected.

7)☒ Claim(s) *3,7,8,10,11,13,17,18 and 20* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 July 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *7/23/2001*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in EPO on 09/07/2000. It is noted, however, that applicant has not filed a certified copy of the 00119566.8 application as required by 35 U.S.C. 119(b).

### *Claim Objections*

2. Claim 11 is objected to because of the following informalities: Claim 11, line 6, after "transmitting", "a" should be changed to --at--. Claim 11, line 13, after "an", "extend" should be changed to --extended--. Claim 11, line 14, "steam" should be changed to --stream--. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 2, 5, 6, 9,11,12,15,16 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Chuah (U.S. Patent No. 6,839,339). Referring to claim 1, Chuah discloses a method of transmitting data packets in a packet stream, the data packet having compressed headers (compressed header, col. 7 lines 52), the method comprising the steps of: compressing a header using a context (context, col. 5 lines 14-42); transmitting at least one update packet (RTP context update, col. 5 lines 14-42) containing data indicating said context; and transmitting at least one non-update packet (RTP context set up, col. 5 lines 14-42); wherein the method further comprises the steps of; detecting an irregular change (change, col. 5 line 25) of the packet stream; obtaining at least one packet stream parameter (col. 7 lines 12-20); and transmitting either an extended update packet (context update code and RTP header extension, col. 5 lines 14-42 and col. 7 lines 25-30) or an extended non-update packet dependent on the determined packet stream parameter, the extended packet including information (changed (or delta) information, col. 5 lines 25-30) about the irregular change.

Referring to claim 2, Chuah discloses the method according to claim 1, wherein the packet stream parameter is the maximum (maximum, col. 7 lines 39-42) number of consecutive packet loss.

Referring to claim 5, Chuah discloses the method according to claim 2, wherein the number of extended update packets is set dependent on the packet stream

parameter (this is inherent because the context update code is one byte and each of the fields will vary to make up that one byte).

Referring to claim 6, Chuah discloses the method of claim 2, wherein the step of obtaining at least one packet stream parameter includes obtaining the number of subsequent packets (subsequent packets, col. 5 lines 43-55) for which the irregular change is valid.

Referring to claim 9, Chuah discloses the method according to claim 6, wherein the number of subsequent packets (subsequent packets, col. 5 lines 43-55) for which the irregular change is valid has been estimated by retrieving observed packet stream properties.

Referring to claim 11, Chuah discloses a apparatus (See Figure 2) for transmitting data packets in a packet stream, the data packets having compressed headers, the apparatus comprising: a compressor for compressing a header (compressed header, col. 7 lines 52) using a context (context, col. 5 lines 14-42); transmission means for transmitting at least one update packet (RTP context update, col. 5 lines 14-42) containing data indicating said context and at least one non-update packet (RTP context set up, col. 5 lines 14-42); detection means for detecting an irregular change (change, col. 5 line 25) of the packet stream; and control means for obtaining at least one packet stream parameter (col. 7 lines 12-20) and controlling said transmission means to transmit either an extended update packet (context update code and RTP header extension, col. 5 lines 14-42 and col. 7 lines 25-30) or an extended non-update packet dependent on the determined packet stream parameter, the

extended packet including information (changed (or delta) information, col. 5 lines 25-30) about the irregular change.

Referring to claim 12, Chuah discloses the apparatus according to claim 11, wherein the packet stream parameter is the maximum (maximum, col. 7 lines 39-42) number of consecutive packet loss.

Referring to claim 15, Chuah discloses the apparatus according to claim 12, wherein the number of extended update packets is set dependent on the packet stream parameter (this is inherent because the context update code is one byte and each of the fields will vary to make up that one byte).

Referring to claim 16, Chuah discloses the apparatus according to claim 12, wherein said control means is arranged for obtaining the number of subsequent packets (subsequent packets, col. 5 lines 43-55) for which the irregular change is valid.

Referring to claim 19, Chuah discloses the apparatus according to claim 16, wherein the number of subsequent packets (subsequent packets, col. 5 lines 43-55) for which the irregular change is valid has been estimated by retrieving observed packets stream properties.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chuah in view of Le et al. (U.S. Patent No. 6,782,047). Referring to claim 4, Chuah discloses the method according to claim 2, but does not explicitly teach of wherein the maximum number of consecutive packet loss has been estimated by extracting a sequence number from a received NACK message and comparing the extracted sequence number with the current sequence number. However, Le et al. discloses a NACK mechanism in (col. 2 lines 48-54). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the NACK mechanism of Le et al. to the invention of Chuah in order to let the compressor know when the decompressor is not able to decompress a packet as suggested by Le et al.

Referring to claim 14, Chuah discloses the apparatus according to claim 12, but does not explicitly teach of wherein the maximum number of consecutive packet loss has been estimated by extracting a sequence number from a received NACK message and comparing the extracted sequence number with the current sequence number. However, Le et al. discloses a NACK mechanism in (col. 2 lines 48-54). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the NACK mechanism of Le et al. to the invention of Chuah in order to let the compressor know when the decompressor is not able to decompress a packet as suggested by Le et al.

***Allowable Subject Matter***

7. Claims 3, 7, 8, 10, 13, 17, 18, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

**or faxed to:**

(703) 305-3988, (for formal communications intended for entry)

**Or:**

(703) 305-3988 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. 22202, Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamal A. Fox whose telephone number is (571) 272-3143. The examiner can normally be reached on Monday-Friday 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

**Jamal A. Fox**